PETITION FOR ZONING VARIANCE 14-212-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3B(211.3 & 301.1) to permit a side yard setback of 0' in lieu of the required 6'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. At the time the deck was built, we did not know a setback was required. 2. To cut off the deck would creat a safety hazard whereas someone could slip off the deck and fall into the opening between the fence and deck. Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: FRAUK W. ThOMPSON TIL (Type or Print Name Beverly Thompson City and State Attorney for Petitioner: 5705 lkybreak Ferr. Blob-6068 (Type or Print Name) City and State ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of \_\_\_\_December \_\_\_\_\_ 1983\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law o. Saltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_February \_\_\_\_, 19 84 , at 9:45 o'clock \_\_A.\_M.

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 HARRY J. PISTEL, P. E. DIRECTOR February 16, 1984 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Item #152 (1983-1984) Property Owner: Frank W. Thompson, III, et ux E/S Daybreak Terrace 550° S. from centerline Hazelwood Avenue Acres: 60/60.75 X 203.66/213.16 District: 14th Dear Mr. Jablon: The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item. General:

Baltimore County highway and utility improvements exist per Public Works Agreement 146002, executed in conjunction with the development of Blackthorn, of which this property is a part.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

The Petitioner is cautioned that no construction of any structure, including footings, is permitted within Baltimore County rights-of-way and utility easements.

NE 4 E Topo 89 Tax Map

RE: PETITION FOR VARIANCE E/S Daybreak Terrace, 5501 S of the Centerline of Hazelwood Ave. (5705 Daybreak Terrace,

14th District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 84-212-A

FRANK W. THOMPSON, III, et al, Petitioners

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

Property Owner

Existing Zoning:

for item numbers 151, 152, 153, 154, 155, 156, and 157.

Location:

Acres:

Dear Mr. Jublon;

District:

Mr. Arnold Jablon

Zoning Commissioner County Office Building

Towson, Maryland 21204

ENTRY OF APPEARANCE

:::::::

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order

People's Counsel for Baltimore County

Max Zinuwerum Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204

I HEREBY CERTIFY that on this 7th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Frank W. Thompson, III, 5705 Daybreak Terrace, Baltimore, MD 21206, Fetitioners.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIFF

Bureau of Engineering

Bureau of

Industrial

Project Planning

**Building Department** 

Board of Education

Zoning Administration

February 14, 1984

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. & Mrs. Frank W. Thompson, III

Dear Mr. & Mrs. Thompson:

COUNTY OFFICE BLOG.
111 W. Cheripeake Ave.
Towson, Maryland 21204

5705 Daybreak Terrace
Baltimore, Maryland 21206

February 16, 1984

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the setback of the existing deck, this hearing is required.

The petition was advertised with the understanding that it is attached to the rear of the existing dwelling. However, through subsequent conversation with you, it was indicated that the structure is actually unattached and therefore, should only be required to be 2½ ft. from the side property line. If this in fact is the case, I feel an amendment at the hearing would be sufficient. This is based on the fact that the petition was advertised requesting a greater setback (6') than actually required (2½').

For further information on the comments of the Department of Permits and Licenses, you should contact Mr. Ted Burnham at 494-3987

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the coolered filing on the date of the coolered filing on the date of the coolered filing.

filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Zoning Plans Advisory Committee

Re: Item No. 152 - Case No. 84-212-A
Petitioners - Frank W. Thompson, III, et ux
Variance Petition

Mr. William Hammond Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

Enclosures

RE: Property Owner: Frank W. Thompson, III, et ux

Location: E/S Daybreak Terrace 550' S. from c/l Hazelwood Avenue Zoning Agenda: Meeting of 12/27/83 Item No.: 152

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall

comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Cot Could be 15-14 Noted and Lesign M Neight Fire Prevention Bureau

Special Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

February 13, 1984

BUREAU OF ENVIRONMENTAL SERVICES

Arnold Jablon, Zoning Commissioner TO Office of Planning and Zoning

FROM Ian J. Forrest

SULJECT Zoning Variance Items Meeting - December 27, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Item # 151 - Edrich Farms, Inc.

Item #(152) - Frank W. Thompson, III, et ux

Item # 154 - Jack Bircher, et ux

Item # 157 - Hugo J. Nyborg, et ux

The Department of Traffic Engineering has no comments

February 9, 1984

Item No. 151, 152, 153, 154, 155, 156, and 157 ZAC-Meeting of December 27,1983

PERMON FOR ROWING VOI Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the hear ., safety, and general welfare of the community, the variance(s) should /should not be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_\_, that the herein Petition for Variance(s) to permit a. The state of th IN TERMS CONCRETE AT THE CONTRACT OF CONTRACT STORES AND A STORE OF THE CONTRACT OF THE CONTRA on the second of the second of

2. The required building permit shall be obtained immediately. Any required grading permit shall be acquired prior to any

Approval of the aforementioned site plan by the Office of Planning and Zoning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date February 16, 1984 Norman .. Gerber, Director

FROM Office of Planning and Zoning

SUBJECT Frank W. Thompson III et ux - 84-212-A

There are no comprehensive planning factors requiring comment on this petition.

Office of Planning and Zoning

NEG/JGH/sf

The petitioners herein seek to permit a side yard setback of zero feet in lieu of the required six feet for the existing deck. Testimony established that the deck is detached from the house, and under Section 400.1 of the Baltimore County Zoning Regulations, the deck is considered an accessory structure requiring a side yard setback of 21 feet from the property line. This necessitated the petition being amended. The petitioners testified that the current placement of the deck, abutting the privacy fence, provides safety for users and is not detrimental to the adjoining The adjacent neighbors protested the subject petition and discussed the drainage history of the two properties. fifter due consideration of the testimony and evidence presented, it is clear that practical difficulty and unreasonable hardship would result if the instant var-Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, 14 day of March, 1984, that the herein Petition for Variance to permit a side yard setback of zero feet in lieu of the required 2 feet for the existing deck, in accordance with the site plan filed herein, is GRANTED, from and after the date of this Order, subject, however, to the following: 1. Any regrading shall not result in any changing of the direction,

volume, distribution or velocity of the flow of surface water on or over the adjacent property on the south side.

ZONING DESCRIPTION

DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

required 6'.

60/60.75 x 203.66/213.16

Comments on Item # 152 Zoning Advisory Committee Meeting are as follows:

Frank W. Thompson, III et ux E/S Daybreak Terrace 550' S. from CL Hazelwood Avenue

Proposed Zoning: Variance to permit a side yard setback of O' in lieu of

All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 Examples From French French Council Bill 4-82 Examples From French French

B. a building & other permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is

required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code,

application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

G. A change of occupancy shall be applied for, along with an alteration permit

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to

NOTE: These comments reflect only on the information provided by the drawings sub-

strued as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave.,

I. /Comments - See Section 518.0 as amended in Bill 4-82

this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required con-

January 18, 1984

Mr. Arnold Jablon, Zoning Commissioner

Office of Planning and Zoning

County Office Building

TED ZALESKI, JR.

DIRECTOR

Beginning on the East side of Daybreak Terrace 50 feet wide, at the distance of 550 ft. S of the centerline of Hazelwood Ave. Being lot 1 Block D in the subdivision of Blackthorn. Book # 27 Folio 46. Also known as 5705 Daybreak Terrace in the 14th Election District.

Petition for Variance

ZONING:

LOCATION:

East side Daybreak Terrace, 550 ft. South of the centerline

PETITION FOR VARIANCE

of Hazelwood Avenue (5705 Daybreak Terrace)

Tuesday, February 28, 1984 at 9:45 A.M. DATE & TIME:

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

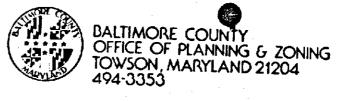
and Regulations of Baltimore County, will hold a public hearing:

lieu of the required 6 ft.

Being the property of Frank W. Thompson III, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY



RE: PETITION FOR VARIANCE

Election District

Petitioners

E/S Daybreak Terrace, 550' S of

(5705 Daybreak Terrace) - 14th

Frank W. Thompson, III, et ux -

NO. 84-212-A (Item No. 152)

::: ::: :::

the center line of Hazelwood Ave.

ARNOLD JABLON ZONING COMMISSIONER

February 21, 1984

BEFORE THE

BALTIMORE COUNTY

\*\*\* ::: :::

DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Frank W. Thompson III 5705 Daybreak Terrace Baltimore, Maryland 21206

> Re: Petition for Variance E/S Daybreak Ter., 550' S of the c/l of Hazelwood Ave. (5705 Daybreak Terrace) Frank W. Thompson III, et ux - Petitioners Case No. 84-212-A

Dear Mr. & Mrs. Thompson:

This is to advise you that \$41.38 is due for advertising and posting

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

LITIMORE COUNTY, MARYLAND No. 126876 FICE OF FINANCE - REVENUE DIVISION SCELLANEOUS CASH RECEIPT OLD JABLON ig Commissioner 2/28/84 ACCOUNT\_\_\_R-01-615-000 Frank W. Thompson III Advertising & Posting Case #84-212-A & B\$6+\*\*\*\*41381b \$2844 VALIDATION OR SIGNATURE OF CASHIER

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14th Election District

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act Petition for Variance to permit a side yard setback of 0 ft. in

